vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6204 OF 2007

Gokarna Dnyanu Shenavi ... Petitioner

V/s.

The Chairman
Kolhapur Zilla Madhyamik Shikshan
Seva Sahakari Pat Sanstha Maryadit ... Respondent

Mr.S.S. Tambekar for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 28, 2007**

P.C.:

. This petition has been filed against an order refusing to set aside the dismissal of the complaint under Items 9 and 10 of Schedule IV of the MRTU & PULP Act. The complaint was dismissed on 16.10.2004. After dismissal of the complaint, the petitioner filed an application for restoration being Miscellaneous Application (ULP) No.6 of 2004. That application has been dismissed. The Industrial Court in para 5 has considered the fact that the petitioner had not cared to lead any evidence in the matter from 1998 till the matter was dismissed. On an application made by the petitioner for production of documents, the Industrial Court had passed an order directing the respondent company to produce the documents. As the documents were not produced an application was filed by the petitioner

on 2.3.1998 praying that adverse inference be drawn against the respondent. The matter was fixed for filing documents and from 26.11.1998 onwards it was fixed for evidence. The matter was adjourned on several dates only to permit the petitioner to lead evidence. Since no evidence was forthcoming the Industrial Court has rightly dismissed the complaint in 2004.

2. No error of law has been committed by the Industrial Court. Petition rejected.